IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 25TH JANUARY 2007 / 5TH MAGHA 1928

WP(C).No. 32135 of 2006(A)

PETITIONER:

SMT.MAGI SENSALAVOS,
W/O.LATE SENSALAVOS, MADAPPATTIL HOUSE,
KAITHARAM P.O., KHANDAKARNAN VELI, N.PARAVUR.

BY ADV. SRI.K.V.SABU

RESPONDENTS:

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1. L.N.MAHARANA, HEAD (RED),
IRE, ELOOR, UDYOGAMANDAL.

2. THE DIRECTOR,
BABA ATOMIC RESEARCH CENTRE,
DEPARTMENT OF ATOMIC ENERGY,
GOVERNMENT OF INDIA, NEW DELHI.

3. SECRETARY TO GOVERNMENT,
GOVERNMENT OF INDIA, MINISTRY OF LABOUR,
NEW DELHI.

4. COMMISSIONER OF POLICE,
COCHIN CITY, ERNAKULAM.

5. DIRECTOR GENERAL OF POLICE,
LAW & ORDER, POLICE HEAD QUARTERS,
THIRUVANANTHAPURAM.

6. SUPERINTENDENT OF POLICE,
CBCID, ERNAKULAM.

R4 TO R6 BY GOVERNMENT PLEADER SMT. LATHA
R1 TO 3 BY ADV. SRI.B.VINOD, CGC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R. BASANT, J.

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W.P.C.No. 32135 of 2006 A

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Dated this the 25th day of January, 2007

JUDGMENT

The petitioner is the wife of the deceased person, who was found lying near the bathroom at his factory while working in the shift from 12.00 night to 08.00 hours on 4.11.2006. He was already working in the shift from 4 p.m. to midnight on 3.11.06 and he had continued the work in the next shift also. Persons who found the deceased lying at that spot had got him removed to the hospital. He had undergone treatment at the hospital. He breathed his last on 6.11.2006.

2. The petitioner lodged a complaint before the Superintendent of Police on 15.11.2006. That complaint was enquired into and ultimately a crime was registered under Section 174 Cr.P.C. under the caption 'unnatural death' on 7.12.2006. Enquiry is in progress. It is at that stage that the petitioner has come to this Court with a petition that the investigation, which is now being conducted, is inadequate and further directions may be issued to the police.

3. The grievance/apprehension of the petitioner is that it was a case of sheer negligence on the part of the employer of the

deceased. The 3rd respondent is the Secretary to Government, Govt. of India, Ministry of Labour, New Delhi. The counsel appearing on behalf of the third respondent contends that it was a case of natural death. The deceased, who had some ailments, had fallen only on account of his illness. There is absolutely no negligence on the part of the Company.

4. It is not for me at this stage to hazard or venture an opinion on the precise cause of the fall which led to death. I am satisfied, on going through the records, including the responses of the 4th respondent, that a proper investigation/ enquiry is being conducted into the matter and no further directions are necessary. It is for the police to conduct proper enquiry into the matter and file appropriate final report before the authorities. I am not persuaded to agree that there is need to issue any specific or special directions in the matter of investigation. After perusing the affidavit of the 4th respondent, the learned counsel for the petitioner does not also press for any further direction in the matter.

5. This Writ Petition is accordingly dismissed.

(R. BASANT)
Judge

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